



House of Representatives

General Assembly

File No. 376

January Session, 2011

Substitute House Bill No. 5368

House of Representatives, April 5, 2011

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT EXTENDING CERTAIN PET SHOP LICENSEE
REQUIREMENTS TO PERSONS AND ORGANIZATIONS THAT
IMPORT ANIMALS FOR ADOPTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-344 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No person shall maintain a commercial kennel until he has
4 obtained from the commissioner a license to maintain such kennel
5 under such regulations as the commissioner provides as to sanitation,
6 disease and humane treatment of dogs or cats and the protection of the
7 public safety. Upon written application and the payment of a fee of
8 two hundred dollars, the commissioner shall issue such license to be
9 effective until the ensuing December thirty-first provided the
10 commissioner finds (1) that such regulations have been complied with,
11 and (2) in the case of each initial application for such license, that the
12 zoning enforcement official of the municipality wherein such kennel is
13 to be maintained has certified that the kennel conforms to the

14 municipal zoning regulations. Such license shall be renewed annually,
15 not later than December thirty-first, in accordance with the provisions
16 of this section, and may be transferred by the licensee to another
17 premises upon approval of the commissioner.

18 (b) No person shall maintain a pet shop until he has obtained from
19 the commissioner a license to maintain such pet shop under such
20 regulations as the commissioner provides as to sanitation, disease and
21 humane treatment of animals and the protection of the public safety.
22 Upon written application and the payment of a fee of two hundred
23 dollars, the commissioner shall issue such license to be effective until
24 the ensuing December thirty-first provided the commissioner finds (1)
25 that such regulations have been complied with, and (2) in the case of
26 each initial application for such license, that the zoning enforcement
27 official of the municipality wherein such pet shop is to be maintained
28 has certified that the pet shop conforms to the municipal zoning
29 regulations. Such pet shop license may be transferred by the licensee to
30 another premises upon the approval of the commissioner. The
31 commissioner, after consultation with the Commissioners of Public
32 Health and Environmental Protection, shall establish and maintain,
33 pursuant to regulations adopted in accordance with chapter 54, a list of
34 animals which are deemed to be injurious to the health and safety of
35 the public or whose maintenance in captivity is detrimental to the
36 health and safety of the animal. The sale or offer of sale of any animal
37 which is on said list is prohibited and any person who violates this
38 provision shall be fined not more than five hundred dollars.

39 (c) No person shall engage in the business of grooming or
40 maintaining a grooming facility until such person has obtained from
41 the commissioner a license to maintain such facility under such
42 regulations as the commissioner provides as to sanitation, disease and
43 humane treatment of such animals and the protection of the public
44 safety. Upon written application and the payment of a fee of one
45 hundred dollars, the commissioner shall issue such license to be
46 effective until the ensuing December thirty-first provided the
47 commissioner finds (1) that such regulations have been complied with,

48 and (2) in the case of each initial application for such license, that the
49 zoning enforcement official of the municipality wherein such
50 grooming is to be maintained has certified that the facility conforms to
51 the municipal zoning regulations. Such license shall be renewed
52 annually, not later than December thirty-first, in accordance with the
53 provisions of this section, and may be transferred by the licensee to
54 other premises upon approval of the commissioner.

55 (d) No person shall maintain a training facility until such person has
56 obtained from the commissioner a license to maintain such facility
57 under such regulations as the commissioner provides as to sanitation,
58 disease and humane treatment of such animals and the protection of
59 public safety. Upon written application and the payment of a fee of
60 one hundred dollars, the commissioner shall issue such license to be
61 effective until the ensuing December thirty-first provided the
62 commissioner finds (1) that such regulations have been complied with,
63 and (2) in the case of each initial application for such license, that the
64 zoning enforcement official of the municipality wherein such training
65 facility is to be maintained has certified that the facility conforms to the
66 municipal zoning regulations. Such license shall be renewed annually
67 upon the terms required for the original license and may be transferred
68 by the licensee to another premises upon approval of the
69 commissioner.

70 (e) (1) No animal importer shall import any dog or cat into this state
71 until such person registers as an animal importer with the
72 commissioner. Such registration shall be on a form as prescribed by the
73 commissioner. Such registration shall require the submission of the
74 following information: (A) The name, mailing address, business
75 address, telephone number and Internet address of such registrant,
76 and (B) if such registrant is domiciled out-of-state, the name,
77 Connecticut address and phone number of a Connecticut-based agent
78 for service of process. Such registration shall be accompanied by
79 payment of a fee of one hundred dollars and shall be valid until the
80 December thirty-first following such registration. Such registration
81 shall be renewed annually, in accordance with the provisions of this

82 subsection, provided the commissioner determines that such registrant
83 complies with any regulation provided by the commissioner as to the
84 health, safety and humane treatment of animals that is applicable to
85 animal importers. Such registration shall not be required by any
86 employee or volunteer of a registered animal importer or other person
87 who is required to be licensed pursuant to the provisions of this
88 chapter, provided such employee, volunteer or other person is not
89 otherwise an animal importer. Any person who violates the provisions
90 of this subdivision shall be fined not more than five hundred dollars
91 for each animal that is the subject of such violation.

92 (2) Any animal importer who intends to offer for sale, adoption or
93 transfer any dog or cat at a venue or location that is open to the public
94 or at an outdoor location, including, but not limited to, a parking lot or
95 shopping center, shall provide notice to the Department of Agriculture
96 and the municipal zoning enforcement officer of the town where any
97 such sale, adoption or transfer will occur, not later than ten days prior
98 to such event. Such notice shall state the date for such sale, adoption or
99 transfer event, the exact location of such event and the anticipated
100 number of animals for sale, adoption or transfer at such event. Any
101 person who fails to provide notice as required pursuant to this
102 subdivision shall be fined not more than one hundred dollars per
103 animal that is offered for sale, adoption or transfer at such event.

104 (3) For the purpose of this subsection, "animal importer" means a
105 person who brings any dog or cat into this state from another state for
106 the purpose of offering such dog or cat to any person for sale, adoption
107 or transfer or providing such dog or cat to any person in exchange for
108 any fee, sale, voluntary contribution, service or any other
109 consideration. "Animal importer" includes any commercial or
110 nonprofit animal rescue or adoption, humane relocation or delivery
111 organization that is not otherwise required to be licensed under the
112 provisions of this chapter.

113 (4) The provisions of this subsection shall not be construed to apply
114 to any animal importer who offers a dog or cat for sale to a pet shop

115 that is licensed in accordance with the provisions of subsection (b) of
116 this section.

117 ~~[(e)]~~ (f) The commissioner may, at any time, inspect or cause to be
118 inspected by the commissioner's agents any such commercial kennel,
119 pet shop, grooming facility or training facility, and if, (1) in the
120 commissioner's judgment such kennel, pet shop, grooming facility or
121 training facility is not being maintained in a sanitary and humane
122 manner or in a manner that protects the public safety, (2) the
123 commissioner finds that contagious, infectious or communicable
124 disease or other unsatisfactory conditions exist, or (3) in the case of a
125 pet shop, the commissioner finds any violation of the provisions of
126 section 22a-381d, the commissioner may issue such orders as the
127 commissioner deems necessary for the correction of such conditions
128 and may quarantine the premises and animals. If the owner or keeper
129 of such kennel, pet shop, grooming facility or training facility fails to
130 comply with the regulations or orders of the commissioner, or fails to
131 comply with any provision of the statutes or regulations relating to
132 dogs or other animals, the commissioner may revoke or suspend such
133 license. Any person aggrieved by any order issued under the
134 provisions of this section may appeal therefrom in accordance with the
135 provisions of section 4-183. Any person maintaining any commercial
136 kennel, pet shop, grooming facility or training facility without having
137 obtained a license for the same or after any such license has been
138 revoked or suspended as provided herein shall be fined not more than
139 two hundred dollars. The provisions of this section shall not apply to
140 veterinary hospitals, except those boarding or grooming dogs for
141 nonmedical purposes, and other establishments where all the dogs or
142 animals were born and raised on the premises where they are kept for
143 sale.

144 ~~[(f)]~~ (g) The provisions of subsections (a) to (d), inclusive, of this
145 section requiring certification by the zoning enforcement official that
146 every commercial kennel, pet shop, grooming facility and training
147 facility conforms to the zoning regulations of the municipality wherein
148 such kennel, pet shop, grooming facility or training facility is

149 maintained shall not apply to any person who is licensed under said
150 subsections and maintained any such kennel, pet shop or grooming
151 facility prior to October 1, 1977, provided such person does not
152 relocate such kennel, pet shop, grooming facility or training facility in
153 a zone in which such kennel, pet shop, grooming facility or training
154 facility is not a permitted use. In addition, the provisions of said
155 subsections requiring certification by the zoning enforcement official
156 that every commercial kennel, pet shop, grooming facility and training
157 facility conforms to the zoning regulations of the municipality wherein
158 such kennel, pet shop, grooming facility or training facility is
159 maintained shall not apply when a zone in which such kennel, pet
160 shop, grooming facility or training facility is maintained is changed to
161 a use which does not permit such kennel, pet shop, grooming facility
162 or training facility in such zone.

163 Sec. 2. (NEW) (*Effective October 1, 2011*) Any animal importer, as
164 defined in section 22-344 of the general statutes, as amended by this
165 act, shall, prior to offering a dog or cat for sale, adoption or transfer
166 and thereafter at intervals of fifteen days until such dog or cat is sold,
167 adopted or transferred, provide for examination of such dog or cat by
168 a veterinarian licensed under chapter 384 of the general statutes. Such
169 animal importer shall maintain a record of the veterinary services
170 rendered for each dog or cat for a period of five years following such
171 service. Any animal importer who violates the provisions of this
172 section shall be fined not more than five hundred dollars for each
173 animal that is the subject of such violation.

174 Sec. 3. Subsection (a) of section 22-354 of the general statutes is
175 repealed and the following is substituted in lieu thereof (*Effective*
176 *October 1, 2011*):

177 (a) Any dog or cat imported into this state shall be accompanied by
178 a certificate of health issued no earlier than thirty days prior to the date
179 of importation by a licensed, graduate veterinarian stating that such
180 dog or cat is free from symptoms of any infectious, contagious or
181 communicable disease, and that such dog or cat, if three months of age

182 or older, is currently vaccinated for rabies by a licensed veterinarian. A
183 copy of such health certificate shall be forwarded promptly to the
184 commissioner from the livestock sanitary official of the state of origin.
185 Any dog or cat originating from a rabies quarantine area shall have
186 permission of the State Veterinarian prior to importation into this state.
187 No person, firm or corporation shall import or export for the purposes
188 of sale, adoption or transfer or offering for sale, adoption or transfer
189 any dog or cat under the age of eight weeks unless such dog or cat is
190 transported with its dam and no person, firm or corporation shall sell
191 or offer for adoption or transfer within the state any dog or cat under
192 the age of eight weeks. Any person, firm or corporation violating the
193 provisions of this subsection or bringing any dog or cat into this state
194 from an area under quarantine for rabies shall be fined not more than
195 [one] five hundred dollars or imprisoned not more than thirty days, or
196 both.

197 Sec. 4. Subsection (b) of section 51-164n of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective*
199 *October 1, 2011*):

200 (b) Notwithstanding any provision of the general statutes, any
201 person who is alleged to have committed (1) a violation under the
202 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
203 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
204 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
205 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
206 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
207 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
208 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
209 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
210 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
211 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
212 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
213 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
214 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
215 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,

216 14-153 or 14-163b, a first violation as specified in subsection (f) of
217 section 14-164i, section 14-219 as specified in subsection (e) of said
218 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
219 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
220 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
221 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
222 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
223 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
224 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
225 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
226 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
227 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
228 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
229 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
230 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
231 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,
232 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-
233 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or
234 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-
235 159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,
236 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90,
237 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,
238 22-326 or 22-342, subsection (b), (e) or [(e)] (f) of section 22-344, as
239 amended by this act, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-
240 415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e)
241 of section 22a-256h, section 22a-381d, 22a-449, 22a-461, 23-37, 23-38, 23-
242 46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40,
243 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79,
244 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-
245 207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-
246 143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-
247 161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277,
248 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,
249 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,
250 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48,

251 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
 252 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,
 253 subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450,
 254 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section
 255 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd*, 46b-38gg*, 46b-38kk*, 47-34a,
 256 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264,
 257 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-
 258 450, or (2) a violation under the provisions of chapter 268, or (3) a
 259 violation of any regulation adopted in accordance with the provisions
 260 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
 261 regulation or bylaw of any town, city or borough, except violations of
 262 building codes and the health code, for which the penalty exceeds
 263 ninety dollars but does not exceed two hundred fifty dollars, unless
 264 such town, city or borough has established a payment and hearing
 265 procedure for such violation pursuant to section 7-152c, shall follow
 266 the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	22-344
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	22-354(a)
Sec. 4	<i>October 1, 2011</i>	51-164n(b)

Statement of Legislative Commissioners:

Section 4 was added to the bill as a conforming change to make the bill technically correct.

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Department of Agriculture	GF - Potential Revenue Gain	Less than 345,000	Less than 420,000

Note: GF=General Fund

Municipal Impact: None**Explanation**

The bill would generate less than \$345,000 in FY 12 and less than \$420,000 in FY 13 for various provisions related to animal importers. Approximately \$225,000 in FY 12 and \$300,000 of the revenue would be derived from registrations and renewals while approximately \$120,000 in both FY 12 and FY 13 would be generated from various fines.

The bill requires animal importers to pay a \$100 registration fee and \$100 annual renewal fee to import any dog or cat into the state. It is anticipated that between 50 and 3,000 animal importers may register. Therefore, the state could generate revenue between \$3,750 and \$225,000 in FY 12, and between \$5,000 and \$300,000 in FY 13.

The bill also establishes a \$500 fine for infractions of registration provisions. It is anticipated that less than 50 animal importers would violate this provision and therefore, it would generate less than \$25,000 annually in revenue for the state.

The bill also requires any animal importer who intends to offer any dog or cat for sale, adoption, or transfer at any public or outdoor location to notify the Department of Agriculture (DAG) and municipal zoning officer at least 10 days before the event. The bill establishes a

\$100 fine per animal for violations of this provision. It is anticipated that less than \$50,000 would be generated from this provision annually.

The bill requires an animal importer, before offering a dog or cat for sale, adoption, or transfer, to have a state-licensed veterinarian examine the animal. It is estimated that 50 animal importers would violate this provision and therefore \$25,000 would be generated annually from violations.

Lastly, the bill increases the fine, from \$100 to \$500, for violations of certain provisions pertaining to health certificates and the quarantine of imported animals. It is anticipated that less than 50 animal importers would violate this provision; this would generate less than \$20,000 in additional annual revenue to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of 1) initial registrations, 2) annual renewals, and 3) violations.

OLR Bill Analysis**sHB 5368*****AN ACT EXTENDING CERTAIN PET SHOP LICENSEE REQUIREMENTS TO PERSONS AND ORGANIZATIONS THAT IMPORT ANIMALS FOR ADOPTION.*****SUMMARY:**

This bill makes several changes affecting animal importers. The bill requires animal importers to register with the agriculture commissioner and pay a \$100 registration fee before bringing any dog or cat into the state. The registration is valid until the following December 31 and may be renewed annually. Violators are subject to a fine of up to \$500 per animal.

The bill requires any animal importer who intends to offer a dog or cat for sale, adoption, or transfer at a public or outdoor location to notify the Department of Agriculture and the appropriate municipal zoning officer at least 10 days before the event. The notice must include the event date, exact location, and expected number of animals involved. Violators are subject to a fine of up to \$100 per animal.

The bill's registration and notice provisions do not apply to an animal importer who offers a dog or cat for sale to a licensed pet shop.

The bill requires an animal importer, before offering a dog or cat for sale, adoption, or transfer and every 15 days until the sale, adoption, or transfer is complete, to have a state-licensed veterinarian examine the animal. The importer must maintain records of the veterinarian's services for five years after they were rendered. Violators are subject to a fine of up to \$500 per animal.

The bill prohibits a person, firm, or corporation from importing or exporting for adoption or transfer a dog or cat under eight weeks old

without its mother. It also prohibits the adoption or transfer of a dog or cat under eight weeks old. Violators are subject to a fine of up to \$500, imprisonment for up to 30 days, or both.

By law, a dog or cat imported into the state must be accompanied by a health certificate issued within 30 days before the importation by a licensed graduate veterinarian. The certificate must state that the animal is not diseased and, if over three months old, is currently vaccinated for rabies. A dog or cat from a rabies quarantine area must have the state veterinarian's permission before importation. Under current law, violators are subject to a fine of up to \$100, imprisonment for up to 30 days, or both. The bill increases the fine to up to \$500.

EFFECTIVE DATE: October 1, 2011

ANIMAL IMPORTER

Definition

The bill defines "animal importer" as a person who brings any dog or cat into Connecticut from another state to offer the animal for sale, adoption, or transfer or give the animal to any person in exchange for a fee, sale, voluntary contribution, service, or any other consideration. An animal importer includes a commercial or nonprofit animal rescue or adoption, humane relocation, or delivery organization that is not required to be licensed under state law. (By law, commercial kennels, pet shops, grooming facilities, and training facilities must be licensed by the agriculture commissioner.)

Registration

The bill prohibits an animal importer from importing a dog or cat into the state until he or she registers with the agriculture commissioner and pays a \$100 registration fee. The registration must be on a form the commissioner prescribes and include the registrant's name, mailing and business addresses, telephone number, and Internet address. If the registrant is domiciled out-of-state, the registration also must include the name, Connecticut address, and telephone number of a local agent for service of process.

A registration is valid until the following December 31. An importer must renew the registration annually, if the commissioner determines the importer complies with any applicable regulation relating to the health, safety, and humane treatment of animals.

Registration is not required by an employee or volunteer of a registered animal importer or person holding a commercial kennel, pet shop, grooming facility, or training facility license if the employee, volunteer, or person is not otherwise an animal importer.

BACKGROUND

Related Law

By law, a person obtaining a dog or cat for resale must hold a pet shop license. Violators are subject to a fine of up to \$1,000, imprisonment for up to 30 days, or both (CGS § 22-344e).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/18/2011)